

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

E-TOOL DEVELOPMENT, INC., and
E-TOOL PATENT HOLDINGS, CORP.,

Plaintiffs/Counter Defendants

No. 3:17-CV-00720-PK

v.

ORDER

MAXIM INTEGRATED PRODUCTS, INC.,

Defendant/Counter Claimant

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [44] on January 11, 2018, in which he recommends that this Court grant Defendant's Motion for Judgment on the Pleadings [25]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiffs filed timely objections to the Magistrate Judge's Findings & Recommendation. Pls.' Obj., ECF 50. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Plaintiffs' objections and conclude there is no basis to modify the Findings & Recommendation. The Court clarifies, however, that this decision only invalidates the specific claims of the Patent at issue in this case. *See Therasense, Inc. v. Becton, Dickinson and Co.*, 649 F.3d 1276, 1288 (Fed. Cir. 2011) (noting that validity defenses are "claim specific"); *Tannerite Sports, LLC v. Jerent Enterprises, LLC*, 6:15-CV-180-AA, 2015 WL 5829816, at *4 (D. Or. Oct. 6, 2015) (same). I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings and Recommendation [44] granting Defendant's Motion for Judgment on the Pleadings [25]. Plaintiff's claims of patent infringement are dismissed with prejudice, and Defendant's counterclaim for declaratory judgment that its EE-Sim Tool does not infringe upon the Patent is dismissed as moot.

IT IS SO ORDERED.

DATED this 14 day of May, 2018.



MARCO A. HERNÁNDEZ
United States District Judge